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Department of Public Safety

Board of Building Regulations and Standards

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Alexander MacLeod, R.A.
Chairman

Gary Moccla, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: October 27, 2009

Name of Appellant: Richard Goldberg

Service Address: Walter Adams
WBA Associates
36 River Ridge
Wellesley, MA. 02481

In reference to: 120-C Seaver Street, Unit 103
Brookline, MA. 02146

Docket Number: 09-775

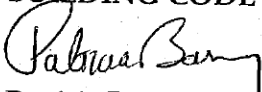
Property Address: 120-C Seaver Street, Unit 103
Brookline, MA. 02146

Date of Hearing: 08-25-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD


Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-775

Appellant(s): Richard Goldberg
represented by Walter Adams, WBA Associates

vs.

Appellee(s): City/Town of Brookline
Michael Shepard

Procedural History

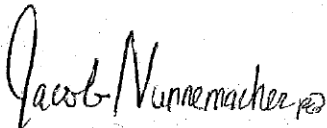
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 6th edition 780 CMR relative to Failure to Act for 120-C Seaver Street, Unit 103, Brookline, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 25, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Walter Adams, Tony Mallon, Alvin Nathanson, and Richard Goldberg appeared and testified as well as Michael Shepard.

Discussion

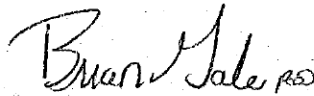
After testimony and discussion of exhibits, a motion was made to grant the Appellant's request for a variance to the 6th Edition 780 CMR relative to Failure to Act with the condition that the Brookline Building Commissioner send a letter, noting the specific three issues outlined in the WBA Associates letter dated April 17, 2009, to the condo association and to the party who fixed the door, and order the issues to be corrected per the requirements of the building code. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance to the 780 CMR relative to Failure to Act is hereby **granted** as described in the discussion above and so ordered² on this date: August 25, 2009.



Jacob Nunnemacher



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.